

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

|                                   |   |                                 |
|-----------------------------------|---|---------------------------------|
| <b>MARCUS T. MOORE,</b>           | ) |                                 |
|                                   | ) |                                 |
| <b>Petitioner/Defendant,</b>      | ) |                                 |
|                                   | ) | <b>CIVIL NO. 09-cv-1039-DRH</b> |
| <b>vs.</b>                        | ) |                                 |
|                                   | ) | <b>CRIMINAL NO. 07-cr-40017</b> |
| <b>UNITED STATES of AMERICA ,</b> | ) |                                 |
|                                   | ) |                                 |
| <b>Respondent/Plaintiff.</b>      | ) |                                 |

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Petitioner Marcus Moore's motion for relief pursuant to 28 U.S.C. § 2255. Without benefit of a plea agreement, Moore pleaded guilty to four counts involving the distribution of crack cocaine; he was sentenced to 188 months imprisonment, six years supervised release, a fine of \$400, and a special assessment of \$400. *United States v. Moore*, 302 Fed.Appx. 483 (7<sup>th</sup> Cir. 2008).

Moore then filed the instant motion under § 2255. He followed that with a motion to amend (Doc. 4), in which he seeks to modify his two grounds for relief. This motion to amend is **GRANTED**; the grounds raised in the amendment shall be considered a *supplement* to the original § 2255 motion.

In his motion and amendment, Moore argues that counsel was ineffective in failing to object to calculation of his sentence, and that counsel was ineffective in failing to identify viable issues on appeal.

The Court **ORDERS** the Government to file a response to Moore's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

**IT IS SO ORDERED.**

**DATED: June 25, 2010.**

/s/ David R Herndon  
**CHIEF JUDGE**  
**UNITED STATES DISTRICT COURT**